

REMARKS

I. General Remarks

Claims 1, 8, 9, and 28 are amended herein.

II. Remarks Regarding 35 U.S.C. § 112 Rejection

Claim 8 has been amended to address the antecedent basis issue raised by the Examiner.

III. Remarks Regarding The 35 U.S.C. 103(a) Rejections

A. Howard in view of Pietrzak

Claims 1-7 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 3,503,274 issued to Howard (hereinafter “Howard”) in view of U.S. Pat. No. 4,852,706 issued to Pietrzak (hereinafter “Pietrzak”). Applicant respectfully traverses the rejection on the basis of the remaining amended claims.

A prima facie case of obviousness requires a showing that all claim limitations be taught or suggested by the art. *See* M.P.E.P. § 2143.03. Applicant respectfully submits the combination of Howard and Pietrzak fail to form a proper basis for a prima facie case of obviousness, because they fail to teach all of the limitations of the claimed invention and thus fail to yield an invention in the scope of Applicant’s claims.

Neither cited reference teaches “wherein said clutch mechanism is disposed between said right angle gear mechanism and said power output shaft” as recited in Applicant’s amended independent claim 1. Pietrzak teaches a mechanism for actuating a sliding gate. In Pietrzak, the clutch mechanism is not disposed between the gear mechanism and the power and thus does not teach or suggest an invention within this scope of Applicant’s claim.

Howard fails to mention a clutch at all anywhere in the specification and thus fails to teach Applicant’s recited element, a clutch mechanism disposed between a right angle gear mechanism and a power output shaft.

Because the combination of Howard and Pietrzak fails to teach the recited elements of Applicant’s invention, the combination fails to realize the advantages inherent in Applicant’s arrangement of elements, which include a simplified mechanical structure, which in certain embodiments permits easier repair and maintenance, particularly in the maintenance of agricultural machinery.

Further, combining Pietrzak with Howard would produce a device unsuitable for use in Applicant's agricultural application. More specifically, the worm gear of Peitrzak is intended for low RPM applications and therefore, would be unsuitable to drive the agricultural machinery recited in Applicant's claims.

Accordingly, for at least these reasons, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection to independent claim 1, and correspondingly as to dependent claims 2-6.

B. Howard in view of Pietrzak and further in view of APA

Claims 8-12, 14, 16-24, 27, and 28 stand rejected under 35 U.S.C. §103(a) as being obvious over Howard in view of Pietrzak and further in view of Applicant's admitted prior art (APA) of Figure 1. Applicant respectfully traverses the rejection on the basis of the remaining amended claims.

A prima facie case of obviousness requires a showing that all claim limitations be taught or suggested by the art. *See* M.P.E.P. § 2143.03. Applicant respectfully submits the combination of Howard and Pietrzak fail to form a proper basis for a prima facie case of obviousness, because they fail to teach all of the limitations of the claimed invention and thus fail to yield an invention in the scope of Applicant's claims.

Neither Howard nor Pietrzak teach the limitation "wherein said clutch mechanism is disposed between said right angle gear mechanism and said power output shaft" as recited in Applicant's amended independent claims 1 and 9. Applicant's APA fails to supply this missing limitation as no right angle gear mechanism appears in Applicant's Figure 1. Accordingly, for at least these reasons, no valid prima facie case has been established as to independent claims 1 and 9, and correspondingly from dependent claims 8, 10-12, 14, 16-24, and 27.

As to claim 28, Applicant notes that Howard and Pietrzak fails to teach separate enclosures for the gearbox enclosure and the clutch enclosure. More particularly, the cited references fail to teach:

a gearbox enclosure enclosing said gearbox with a gearbox machinery oil bath disposed within said enclosure and surrounding said gearbox.

a clutch enclosure enclosing said mechanical clutch wherein said clutch enclosure is separate from said gearbox enclosure

Applicant's APA also fails to supply this missing limitation. Separate enclosures for the gearbox mechanism and clutch mechanism are advantageous for many reasons, including separate enclosures allows for easier access to each respective component. Further, each oil bath can be tailored to each respective component and problems with one oil bath is limited to its enclosure. In this way, problems in one oil bath does not affect the oil bath of the other enclosure (e.g. overheating of the oil, contamination of the oil, introduction of foreign or other undesirable objects in the oil such as metal shavings from the components therein, etc). As the prior art fails to teach these elements, the prior art fails to realize these advantages.

As another point of distinction, Applicant respectfully submits that the prior art fails to teach enclosures external to vehicle/tractor and agricultural equipment as recited in Applicant's claims 8, 9, and 28. In particular, Applicant's claims require certain components to be external to vehicle/tractor equipment and agricultural equipment. As Applicant's claims require these components (e.g. the gear mechanism and the clutch mechanism) to be external to any vehicle/tractor equipment and agricultural equipment, any enclosure around these mechanisms would also necessarily be external as well. Applicant's Figure 1 does not teach a clutch enclosure or a gearbox enclosure external to any vehicle/tractor equipment and agricultural equipment. Instead, Applicant's Figure 1 shows each of these components exposed with no enclosure.

Accordingly, a valid prima facie case of obviousness has not been established as to amended independent claim 28. Accordingly, for at least these reasons, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection to claims 8-12, 14, 16-24, 27, and 28.

IV. No Waiver

All of Applicant's arguments and amendments are without prejudice or disclaimer. Additionally, Applicant has merely discussed example distinctions from the prior art references. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the rejections.

CONCLUSION

Authorization is hereby given to charge Deposit Account No. 10-0096 for any deficiency of fees.

The practitioner, named below, is authorized to file correspondence in the above-identified application pursuant to 37 C.F.R. § 1.34(a).

The Applicant invites the Examiner to contact the undersigned for a teleconference to resolve any outstanding issues, as this Response is believed to put the case in condition for allowance. At this time and in view of Applicants' amendments and arguments set forth above, Applicants respectfully submit that all pending claims are allowable and respectfully requests a Notice of Allowance.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being Transmitted via the Office Electronic Filing System in accordance with 37 C.F.R. § 1.6(a)(4). The undersigned has a reasonable basis to expect that the correspondence will be transmitted on or before the date indicated. (37 C.F.R. § 1.8(a)).

Date: June 20, 2008

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